

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 6188  
Joh-e IKEDA et al. : Attorney Docket No. 2003\_0980  
Serial No. 10/628,324 : Group Art Unit 1642  
Filed July 29, 2003 : Examiner Sean E. Aeder

APOPTOSIS INHIBITORY PROTEIN, GENE  
ENCODING THE PROTEIN AND cDNA THEREOF

**PATENT OFFICE FEE TRANSMITTAL FORM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of \$180.00 to cover Patent Office fees relating to filing the following attached papers:

Information Disclosure Statement ..... \$180.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

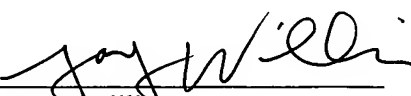
*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

Joh-e IKEDA et al.

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

By

  
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Telephone (202) 721-8200  
August 31, 2006

[Check No. 75973]  
2003\_0980



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APOPTOSIS INHIBITORY PROTEIN,  
GENE ENCODING THE PROTEIN AND  
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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☐ each U.S. Patent and U.S. Patent application publication;
- ☐ each reference previously cited in the international application  
PCT/\_\_\_\_\_; and/or
- ☐ each reference previously cited in prior parent application Serial No.  
\_\_\_\_\_.

1a. ☐ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above  
entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office  
Action after the filing of an RCE,

09/01/2006 SDENB0B1 00000076 10628324

01-FC-1006 100.00 0P

**and thus no certification and/or fee is required.**

1b. ☒ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☒ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

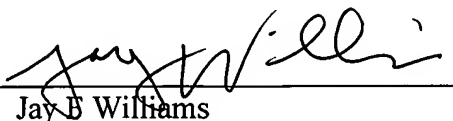
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☒ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☐ the concise explanation contained in the specification of the present application at page,
  - d. ☐ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.
6. ☐ Statement Under 37 CFR 1.704(d)

Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Joh-e IKEDA et al.

By



Jay B Williams

Registration No. 48,036

Attorney for Applicants

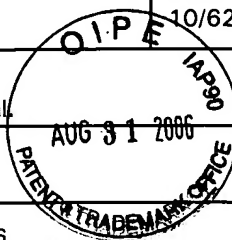
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August 31, 2006

## INFORMATION DISCLOSURE STATEMENT

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: August 31, 2006

ATTY DOCKET NO.  
2003\_0980APPLICANT  
Joh-e IKEDA et al.FILING DATE  
July 29, 2003SERIAL NO.  
10/628,324GROUP  
1642

## U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|----------------------|----|--------------------|------|------|-------|----------|-------------------------------|
|                      | AA |                    |      |      |       |          |                               |
|                      | AB |                    |      |      |       |          |                               |
|                      | AC |                    |      |      |       |          |                               |
|                      | AD |                    |      |      |       |          |                               |
|                      | AE |                    |      |      |       |          |                               |
|                      | AF |                    |      |      |       |          |                               |
|                      | AG |                    |      |      |       |          |                               |
|                      | AH |                    |      |      |       |          |                               |
|                      | AI |                    |      |      |       |          |                               |

## FOREIGN PATENT DOCUMENTS

|  |    | DOCUMENT<br>NUMBER | DATE   | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |  |
|--|----|--------------------|--------|---------|-------|----------|-----------------------|--|
|  | AJ | 11-113444          | 4/1999 | JP      |       |          | X                     |  |
|  | AK |                    |        |         |       |          |                       |  |
|  | AL |                    |        |         |       |          |                       |  |
|  | AM |                    |        |         |       |          |                       |  |
|  | AN |                    |        |         |       |          |                       |  |

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |    |  |
|--|----|--|
|  | AO | Roy et al., "The Gene for Neuronal Apoptosis Inhibitory Protein Is Partially Deleted in Individuals with Spinal Muscular Atrophy", <u>Cell</u> , Vol. 80, pp. 167-178, 1995. |
|  | AP | Liston et al., "Suppression of Apoptosis in Mammalian cells by NAIP and a Related Family of IAP Genes", <u>Nature</u> , Vol. 379, pp. 349-353, 1996.                         |
|  | AQ |  |

EXAMINER

DATE CONSIDERED